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PATENT

ATTORNEY DOCKET NO. ~~044170~~-5034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

R. Sam Niedbala et al.

Serial No.: 09/997-023

Filed: November 30, 2001

For: ~~SAMPLE COLLECTOR~~ AND TEST DEVICE

Art Unit: ~~1743~~

Examiner: ~~Not Assigned~~

Alexander

Commissioner for Patents
Washington, D.C. 20231

Sir:

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b) and (e)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b) and (e), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits.

Each document listed in this Information Disclosure Statement was cited in a December 27, 2002 dated International Search Report of the corresponding international application, PCT/US02/30101, filed September 23, 2002, entitled "Sample Collector and Test Device." This Information Disclosure Statement is being filed within three months of the mailing date of this search report.

Copies of the listed documents are attached. Copies of US Patent 4,014,322 to Shah and US 5,393,496 to Seymour are not enclosed as they were provided previously in the Information Disclosure Statement filed concurrently with the new application on November 30, 2001.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

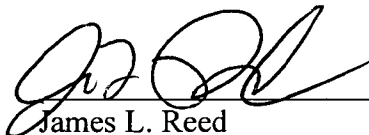
CERTIFICATION

I hereby certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 7, 2003

A handwritten signature in black ink, appearing to read "J. L. Reed", is written over a horizontal line.

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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449 Page 1 of 1				Attorney Docket No. 044170-5034		Application No. 09/997,023	
				Applicant: R. Sam Niedbala et al.			
				Filing Date: November 30, 2001		Group: 1743	
U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
FOREIGN PATENT DOCUMENTS							
		Document Number	Date (Day/Month/Year)	Country	Class	Sub Class	Translation Yes No
/LA/		01/49820	July 12, 2001	WO			
/LA/		98/14276	April 5, 1998	WO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
/LA/		International Search Report dated December 12, 2002..					
Examiner /Lyle Alexander/				Date Considered 11/12/2010			
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.							

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